

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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4 SHARPER IMAGE CORPORATION, a No. C 02-4860 CW
5 Delaware corporation, and ZENION ORDER GRANTING
6 INDUSTRIES, INC., a California IN PART
corporation, DEFENDANT
7 Plaintiffs, HONEYWELL
INTERNATIONAL,
8 v. INC.'S MOTION
FOR LEAVE TO
FILE A MOTION
FOR
RECONSIDERATION
9 HONEYWELL INTERNATIONAL, INC., a
10 Delaware corporation, and KAZ,
INC., a New York corporation,
11 Defendants.
12 _____ /
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14 On April 1, 2004, the Court denied Defendants Honeywell
15 International, Inc. and Kaz, Inc.'s request for permission to
16 file a summary judgment motion before the date set by the Court.
17 Honeywell now moves for leave to file a motion for
18 reconsideration of that Order (Docket No. 201). Having
19 considered the papers filed by Honeywell, the Court DENIES
20 Honeywell's motion with respect to Honeywell's request that it
21 be allowed to move for summary judgment that "the original
22 Environizer product does not infringe the '801, '977, and '417
23 patents as a matter of law" and that "Honeywell has not
24 infringed any protectable trade dress of Sharper Image."
25 However, the Court GRANTS Honeywell's motion with respect to the
26 three remaining bases upon which Honeywell seeks to move for
27 summary judgment, namely that "Honeywell, which sold the
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1 Consumer Products Group in June 2002, cannot have any liability
2 for claims against the Environizer product sold by Kaz starting
3 in September 2002"; "that Honeywell, which sold the Consumer
4 Products Group in June 2002, cannot have any liability for
5 claims against the Environizer Ultra, sold by Kaz starting in
6 September 2003"; and "that Honeywell, which sold the Consumer
7 Products Group in June 2002, cannot have any liability for
8 infringement of the newly-asserted Sharper Image patents that
9 issued in 2004." The Court will treat Honeywell's motion for
10 leave to file a motion for reconsideration as the motion for
11 reconsideration. Sharper Image may file an opposition of no
12 more than ten pages within ten days of the date of this Order.
13 Honeywell may then file a reply of no more than five pages
14 within five days of the date of the filing of the opposition.

15 IT IS SO ORDERED.

16 Dated: 8/18/04

17 /s/ CLAUDIA WILKEN

18 CLAUDIA WILKEN
19 United States District Judge

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